THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 16157 of 2006

Oral order:

Assailing the award dated 29.03.2005 passed by the Labour Court, Guntur, in I.D. No. 143 of 1998, the petitioner filed the present writ petition.

Heard the learned Standing Counsel for the petitioner-APSRTC and the learned counsel for respondent No.1 and perused the impugned award.

The award passed by the Labour Court is very cryptic. It neither applied its mind nor considered the material placed before it. The Labour Court having framed the point for consideration, whether the punishment of reducing the pay of the claimant by two incremental stages for a period of two years with cumulative effect besides recovery of rupees one thousand and treating the suspension period as leave due is justified, answered the same in a slipshod manner, which reads:

> POINT Ex. M6 is charge sheet dt. 23.1.92. The charge is that the claimant drove the vehicle bearing No. AEZ 4638 in a careless manner and caused accident. The vehicle capsized into the fields.
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> Ex. M7 is explanation to the charge sheet. The claimant stated that the accident occurred due to failure of brakes.
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> Ex. M8 is enquiry report. The claimant was examined during enquiry. The defence that the accident occurred due to failure of brakes was not believed. The punishment of reducing the pay of the claimant by two incremental stages for two years with cumulative effect is not justified because the claimant lost four increments with cumulative effect. I, therefore, hold that the punishment is not justified. Hence, I answer the point accordingly.
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> In the result, the reference is partly answered in favour of the claimant. The order reducing the pay of the claimant by two incremental stages for a period of two years with cumulative effect is set aside with effect from the date of reference i.e. 22.4.1998. The claimant retired from service with effect from June, 1999. The four increments shall be restored to the claimant with effect from the date of reference i.e. 22.4.1998 and arrears of pay shall be paid to the claimant from the date of reference till the date of retirement. Recovery of rupees one thousand from the claimant and treating the suspension period as leave due hold good. Award is passed accordingly.

From a reading of the above, it is clear that the Labour Court has neither applied its mind nor considered the material placed before it. The Labour Court without even stating whether the charges levelled against respondent No.1 are proved, jumped to the conclusion that the

punishment of reduction of pay by two incremental stages with cumulative effective on respondent No.1 is not justified. The Labour Court has not assigned any reason, much less valid reason to modify the penalty imposed by the petitioner on respondent No.1. Since the impugned award has been passed by the Labour Court without applying its mind, the same cannot be sustained, and in fact, both the counsel agreed for setting aside the impugned award and remitting the matter to the Labour Court for consideration of the matter afresh.

Accordingly, the writ petition is allowed. The impugned award is set aside, and the matter is remitted to the Labour Court. The Labour Court shall adjudicate the matter afresh, in that it shall consider the question whether the charges levelled against respondent No.1 are proved, and if so, whether the punishment imposed on him by the petitioner is disproportionate to the proved charges, and pass appropriate reasoned orders on the basis of the material available before it. No costs.

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N.V. RAMANA, J.

Dated: 1st November, 2007.
KSR